

THE HONORABLE FRED VAN SICKLE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In re METROPOLITAN SECURITIES
LITIGATION

NO. CV-04-025 FVS

CLASS ACTION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

PLAINTIFFS' MOTION TO DISMISS
COUNT VIII OF THE THIRD AMENDED
COMPLAINT

WITHOUT ORAL ARGUMENT

Hearing Date: March 2, 2010
6:30 p.m.

MOTION TO DISMISS COUNT VIII OF THIRD
AMENDED COMPLAINT - 1 of 6

(CV-04-025-FVS)
[1460647 v1.doc]

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1 Plaintiffs respectfully move this Court, pursuant to F.R.Civ.P. 15(a) and
2 41(a)(2), for an order dismissing Count VIII of the Third Amended Complaint.

3 Count VIII asserts state-law claims based on the Washington State
4 Securities Act, RCW 21.20.010. The Court declined to certify those claims
5 as class claims, and accordingly they are currently asserted only on behalf of
6 some of the Lead Plaintiffs. Order Denying Motion to Certify the State Claims
7 Class dated January 6, 2009 [Dkt. #664].
8

9
10 The Lead Plaintiffs who still have claims under Count VIII wish to
11 dismiss those claims, and the Class concurs with that request. If the claims
12 remain in the case they will unnecessarily complicate the proceedings, and
13 could lead to the admission of evidence that would be irrelevant to the
14 federal claims and unreasonably prejudicial to the Class. The parties have
15 concentrated virtually all of their efforts on prosecution and defense of the
16 federal claims, and therefore PricewaterhouseCoopers ("PwC"), the only
17 remaining defendant, will not be prejudiced by this dismissal.
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MOTION TO DISMISS COUNT VIII OF THIRD
AMENDED COMPLAINT - 2 of 6

(CV-04-025-FVS)
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1 Accordingly, Plaintiffs respectfully urge the Court to grant this motion
2 and dismiss Count VIII of the Third Amended Complaint.
3

4 Dated this 16th day of February, 2010.

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MOTION TO DISMISS COUNT VIII OF THIRD
AMENDED COMPLAINT - 3 of 6

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2010, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. The Court or the CM/ECF system will send notification of such filings to the CM/ECF participants listed below, and I will mail the same via U.S. Postal Service to the non-CM/ECF participant(s).

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MOTION TO DISMISS COUNT VIII OF THIRD
 AMENDED COMPLAINT - 4 of 6

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26 MOTION TO DISMISS COUNT VIII OF THIRD
AMENDED COMPLAINT - 5 of 6

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26 MOTION TO DISMISS COUNT VIII OF THIRD
AMENDED COMPLAINT - 6 of 6

(CV-04-025-FVS)

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PROPOSED ORDER

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EASTERN DISTRICT OF WASHINGTON

In re METROPOLITAN SECURITIES
LITIGATION

NO. CV-04-025 FVS

CLASS ACTION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**ORDER GRANTING PLAINTIFFS'
MOTION TO DISMISS COUNT VIII OF
THE THIRD AMENDED COMPLAINT**

(PROPOSED)

THIS MATTER having come before the Court on Plaintiffs' motion to
dismiss Count VIII of the Third Amended Complaint pursuant to Rule 41(a),

**ORDER GRANTING PLTFS' MOTION TO DISMISS
COUNT VIII OF THE THIRD AMENDED COMPLAINT - 1
of 2**

(CV-04-025-FVS)
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1 and the Court being fully advised in the premises, it is hereby ORDERED that
2 the motion is hereby granted and Count VIII of the complaint is hereby
3 dismissed
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5 DONE IN OPEN COURT this ____ day of March, 2010.
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9 JUDGE FRED VAN SICKLE
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25 ORDER GRANTING PLTFs' MOTION TO DISMISS
26 COUNT VIII OF THE THIRD AMENDED COMPLAINT - 2
of 2

(CV-04-025-FVS)
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